HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 113 (S/S) 2005

1. Vinay Kumar Saxena
   S/o late Krishna Swaroop Saxena,
   Working as Junior Engineer,
   Construction Division, Electric & Mechanic,
   Uttaranchal Peyjal Sansadhan Vikas Evam Nirman Nigam,
   Kotdwar, Pauri Garhwal,
2. Madan pal Singh Tomar
   S/o late Ram Phal Singh Tomar,
   Working as Junior Engineer,
   Construction Division, Uttaranchal Peyjal Sansadhan
   Vikas Evam Nirman Nigam,
   Kotdwar, Pauri Garhwal, ----Petitioners.

Vs.

1. State of Uttaranchal through Principal Secretary,
   Rural and Urban Development,
   Uttaranchal Sashan, Dehradun,
2. State of U.P. through Secretary,
   Rural and Urban Development,
   U.P. Sashan, Lucknow,
3. U.P. Jal Nigam through its Managing Director,
   6- Rana Pratap Marg, Lucknow,
4. Uttaranchal Peyjal Sansadhan Vikas
   Evam Nirman Nigam,
   Through its Managing Director,
   11- Mohini Marg, Dehradun,
5. Chief Engineer (Garhwal),
   Uttaranchal Peyjal Sansadhan
   vikas Evam Nirman Nigam,
   Pauri Garhwal,
6. Superintending Engineer,
   Uttaranchal Peyjal Sansadhan
   Vikas Evam Nirman Nigam,
   Pauri Garhwal,
7. Executive Engineer,
   Uttaranchal Peyjal Sansadhan Vikas Evam Nirman,
   (Electric & Mechanic) Nigam, Kotdwar. ----Respondents.

Sri M.C. kandpal, learned counsel for the petitioners.
Learned Standing Counsel for the State/respondent no. 1,
Smt. Beena Pandey, learned Standing Counsel for State U.P./respondent no. 2,
Sri Sudhir Singh, learned counsel for U.P. Jal Nigam/respondent no.3,
Sri D.S. Patni, learned counsel for Uttaranchal Peyjal Nigam/respondent nos. 4 to 7,

Hon'ble M.M. Ghildiyal, J.

Heard Sri M.C. Kandpal, learned Senior Counsel for the petitioners, learned Standing Counsel for the State, Smt. Beena Pandey, learned Standing Counsel for State of U.P., Sri Sudhir Singh, learned counsel for U.P. Jal Nigam and Sri D.S. Patni, learned counsel for Uttaranchal Peyjal Nigam.

This writ petition has been filed by the petitioners with the prayer to issue a writ, order of direction in the nature of mandamus commanding the respondent to treat the petitioners under the Hill Sub Cadre of Uttaranchal Peyjal Sansadhan Vkas Evam Nirman Nigam with all consequential benefits.

Learned counsel for the parties have submitted that the controversy raised in the writ petition, so far it relates to the petitioner no. 2 is concerned, has already been settled down by this court on 12.01.2005 in writ petition no. 4(ss)2005 Yashpal Singh vs. Uttaranchal Pey Jal & ors. and, as such, the writ petition may be decided in terms of the aforesaid judgment.

Accordingly, the writ petition is decided in terms of the judgment cited above so far it relates to the petitioner no. 2.

So far, the petitioner no. 1 is concerned, who is working as Junior Engineer in theConstruction Division, Electric & Mechanic, Uttaranchal Peyjal Sansadhan Vikas Evam Nirman Nigam Kotdwar Pauri Garhwal, has submitted that he had opted for Hill Sub Cadre on 31.12.2001 and his name was also forwarded by the Executive Engineer vide its order dated 15.04.1999 to the Chief Engineer Garhwal U.P. Jal Nigam, Dehradun. In the list attached to the aforesaid order, the name of the petitioner no. 1 finds place at serial no. 16.

In view of these circumstances, the petitioner no. 1 is directed to make representation within a period of 15 days to

Managing Director, Uttaranchal Peyjal Sansadhan Vikas Evam Nirman Nigam, 11- Mohini Marg, Dehradun/ respondent no. 4, who shall take decision on the same. The respondent no. 4 shall also resolve the question of option of petitioner for Hill sub Cadre within three weeks from the date of production of a certified copy of this order as well as the representation.

The writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

October 27, 2005:
NCM